

EXHIBIT B

IN THE CIRCUIT COURT OF DAVIDSON COUNTY,
AT NASHVILLE, TENNESSEE

NANCY WEEMS,]	
]	
Plaintiff,]	No. _____
]	
vs]	
]	Jury Demand
OMNI HOTELS MANAGEMENT]	
CORPORATION,]	
]	
Defendant.]	

COMPLAINT FOR DAMAGES

Comes now the Plaintiff, Nancy Weems, by and through her attorney of record and files this complaint for damages by stating:

1. Plaintiff, Nancy Weems, is an adult citizen and resident of Lugoff, South Carolina.
2. Defendant, Omni Hotels Management Corporation (Omni), is a Delaware Corporation. Defendant is a for profit corporation with its agent for service of process known as Corporation Service Company, 2908 Poston Avenue, Nashville, Tn. 37203-1312.
3. The event described in this complaint occurred September 20, 2020 on hotel property managed by Omni at 250 South 5th Street in Nashville, Davidson County, Tennessee. Venue and jurisdiction is proper in the Circuit Court of Davidson County, Tennessee.

4. On September 20, 2020 at approximately 8:15 p.m., the Plaintiff entered the pool area to have a look and see whether she might want to try out the hot tub at the furthest end of the pool area from where she entered through a door to the pool area. Plaintiff had never entered the pool area at any time before this day or night.
5. Plaintiff was a guest at Omni and at this relevant time that night, the pool was not closed to guests of the hotel. In fact, the pool was open to its guests that evening but she did observe a notice that the pool closed at 10:00 p.m.
6. As Plaintiff entered the pool area, her attention was drawn to the stars in the night sky, the hot tub at the end of the pool and the pool lights to her left.
7. As Plaintiff began to walk toward the hot tub at the end of the pool area she tripped over a lounge chair which she did not see, that was not readily apparent, that was to her right side and out of place with the other lounge chairs as she was walking toward the hot tub.
8. The pool area that night was dimly lit and the lounge chairs which were of a dark brown like color blended in with the floor area where Plaintiff was walking and making the lounge chairs difficult to see.
9. When the Plaintiff tripped, she fell on her right side which resulted in a severe femur fracture on her right side.

10. Immediately after Plaintiff had fallen she called her daughter, Carrie Purvis to inform her of what had happened. Ms. Purvis was at dinner that night and about 2 miles from the hotel. Ms. Purvis called the front desk at Omni and the phone just rang and rang when someone finally answered the phone. Ms. Purvis then explained her mother had fallen in the pool area and someone needed to come to her rescue.
11. Ms. Purvis then got a ride back to the hotel and when she came to her mother's attention at the pool not one person from Omni had yet to arrive. While Ms. Purvis was with her mother in the pool area and trying to make her comfortable, a man with Omni, Don Ostrandor (sic), appeared on the scene and immediately upon entering the pool area Mr. Ostrandor also tripped over one of the lounge chairs.
12. The Plaintiff was subsequently taken by ambulance to Centennial Medical Center where she was treated for an acute comminuted fracture of the right intertrochanteric proximal femur which required a nail fixation of the right proximal femur.
13. The Defendant knew or should have known that the condition of a dark poorly and dimly lit pool area coupled with lounge chairs of a dark color making the lounge chairs practically invisible created a dangerous

hazardous condition which exposed Plaintiff to the possibility of injury.

The lounge chairs were not readily apparent to the Plaintiff.

14. Defendant had a duty of ordinary care owed to Plaintiff to reasonably and timely inspect the pool area for hazards and conditions that could cause injury to Plaintiff and Defendant failed in that duty which was a proximate cause of Plaintiff's injuries that night.

15. Defendant had a duty to use ordinary care which it owed to Plaintiff to avoid injury to Plaintiff and others and Defendant failed in that duty which was a proximate cause of Plaintiff's injuries that night.

16. Defendant's knowledge of this condition at the pool area that night was foreseeable to the Defendant that the condition could cause injury and Defendant failed to protect Plaintiff against this harm.

17. As a result of and as a proximate cause of Defendant's negligence, the Plaintiff was severely injured causing her damages to include incurred medical bills, pain and suffering, permanent injury and loss of enjoyment of her life all in the past and all into the future.

PREMISES CONSIDERED, PLAINTIFF WOULD PRAY TO THE COURT FOR THE FOLLOWING RELIEF:

1. That this complaint and summons be served upon the Defendant, Omni, to answer within the time required by law;

2. That the Plaintiff receive a judgment in an amount that would be the maximum allowed under the law and consistent with TCA 29-39-102.
3. That the Plaintiff be awarded the court costs paid in this cause and all allowable discretionary costs in this cause incurred by Plaintiff.
4. That the Plaintiff receive any other relief as may be allowed by law.

Respectfully submitted,

/s/Christopher Kim Thompson
THOMPSON LAW
Christopher Kim Thompson #015895
4525 Harding Pike, Suite 203
Nashville, Tn. 37205
615-620-4329
kim@thompsonsllawoffice.com

CIRCUIT COURT SUMMONS

NASHVILLE, TENNESSEE

Service ID 219625

**STATE OF TENNESSEE
DAVIDSON COUNTY
20TH JUDICIAL DISTRICT**

NANCY WEEMS

Plaintiff

vs.

OMNI HOTELS MANAGEMENT CORPORATION
CORPORATION SERVICE COMPANY
2908 POSTON AVENUE
NASHVILLE, TN 37203

Defendant

CIVIL ACTION
DOCKET NO. 21C513
Method of Service:
Davidson County Sheriff

To the above named Defendant:

You are summoned to appear and defend a civil action filed against you in the Circuit Court, 1 Public Square, Room 302, P.O. Box 196303, Nashville, TN 37219-6303, and your defense must be made within thirty (30) days from the date this Summons is served upon you. You are further directed to file your defense with the Clerk of the Court and send a copy to the Plaintiff's attorney at the address listed below.

In case of your failure to defend this action by the above date, judgment by default will be rendered against you for the relief demanded in the Complaint.

ISSUED: 03/22/2021

RICHARD R. ROOKER

Circuit Court Clerk
Davidson County, Tennessee

By: /s/ Logan Chappell
Deputy Clerk

ADDRESS OF PLAINTIFF'S ATTORNEY OR PLAINTIFF:

CHRISTOPHER KIM THOMPSON
4525 HARDING PIKE
SUITE 203
NASHVILLE, TN 37205

NOTICE TO THE DEFENDANT:

Tennessee law provides a Ten Thousand and 00/100 Dollars (\$10,000.00) debtor's equity interest personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.



To request an ADA accommodation, please contact Dart Gore at (615) 880-3309

CIRCUIT COURT SUMMONS

NASHVILLE, TENNESSEE

Service ID

STATE OF TENNESSEE
DAVIDSON COUNTY
20TH JUDICIAL DISTRICT

NANCY WEEMS

Plaintiff

vs.

OMNI HOTELS MANAGEMENT CORPORATION
CORPORATION SERVICE COMPANY
2908 POSTON AVENUE
NASHVILLE, TN 37203

Defendant

CIVIL ACTION
DOCKET NO. 21C513
Method of Service:
Davidson County Sheriff

RETURN ON PERSONAL SERVICE OF SUMMONS

I hereby certify and return that on the _____ day of _____, 20____, I:

_____ served this Summons and Complaint/Petition on _____ in the following manner:

_____ failed to serve this Summons within 90 days after its issuance because _____

Sheriff/Process Server



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Service ID 219625

DAVIDSON COUNTY Circuit Court 219625	RETURN OF SERVICE	CIVIL ACTION DOCKET NO. 21C513
PLAINTIFF WEEMS, NANCY	DEFENDANT vs. OMNI HOTELS MANAGEMENT CORPORATION	
SERVICE DOCUMENT: SUMMONS DAVIDSON CO-D1 W/C TO: OMNI HOTELS MANAGEMENT CORPORATION CORPORATION SERVICE COMPANY NASHVILLE, TN 37203		
OFFICER'S RETURN: <input checked="" type="checkbox"/> Executed and/or Served on <u>OMNI HOTELS MANAGEMENT CORPORATION</u> in the following manner: Service, Personal Comment: Court Date: <input type="checkbox"/> Unable to Execute and/or Serve: _____ Comment: DATE OF SERVICE: 03/24/2021 DARON HALL, SHERIFF BY: <u>/s/ Barbara Blades</u> Deputy Sheriff P. O. Box 196383, Nashville, TN 37219-6383		

CIRCUIT COURT SUMMONS

NASHVILLE, TENNESSEE

Service ID 219625

**STATE OF TENNESSEE
DAVIDSON COUNTY
20TH JUDICIAL DISTRICT**

NANCY WEEMS

Plaintiff

vs.

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RICHARD R. ROOKER

Circuit Court Clerk
Davidson County, Tennessee

By: /s/ Logan Chappell
Deputy Clerk

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CHRISTOPHER KIM THOMPSON
4525 HARDING PIKE
SUITE 203
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FILED 03/25/21 09:56 AM CASE NO. 21C513 Richard R. Rooker, Clerk

FILED 03/22/21 11:33 AM CASE NO. 21C513 Richard R. Rooker, Clerk

CIRCUIT COURT SUMMONS

NASHVILLE, TENNESSEE

Service ID

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DAVIDSON COUNTY
20TH JUDICIAL DISTRICT

NANCY WEEMS

Plaintiff

vs.

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Defendant

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DOCKET NO. 21C513
Method of Service:
Davidson County Sheriff

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I hereby certify and return that on the _____ day of MAR 24 2021, 20____, I:

_____ served this Summons and Complaint/Petition on OMNI HOTELS MGMT CORP in the following manner: Served
_____ Corporation Service Company

_____ failed to serve this Summons within 90 days after its issuance because _____

Barbara Blades

Sheriff/Process Server

Barbara Blades

Davidson County Sheriff's Office

P.O. Box 196383 Nashville, TN. 37219-6383



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